

1 BILL NO. Z-88-02-20

2 ZONING MAP ORDINANCE NO. Z-04-88

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. D-2.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a P.O.D. (Professional Office) District
9 under the terms of Chapter 33 of the Code of the City of
10 Fort Wayne, Indiana of 1974:

11 Lots Numbered Seven (7) and Eight (8) in Covington
12 Acres Addition, according to the plat thereof recorded
13 in Plat Record 18, pages 97-98 in the Office of the
14 Recorder of Allen County, Indiana.

15 and the symbols of the City of Fort Wayne Zoning Map No.
16 D-2, as established by Section 11 of Chapter 33 of the Code
17 of the City of Fort Wayne, Indiana are hereby changed
18 accordingly.

19 SECTION 2. That this Ordinance shall be in full force
20 and effect from and after its passage and approval by the
21 Mayor.

22 Janet G. Bradburg
23 Councilmember

24 APPROVED AS TO FORM AND LEGALITY:

25 J. Timothy McCaulay
26 J. TIMOTHY MCCAULAY, CITY ATTORNEY

27 FOX RIVER BOND
28 25% COTTON
29
30
31
32

Read the first time in full and on motion by Bradbury, seconded by Star, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 2-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 3-22-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 3-04-88 on the 22nd day of March, 1988,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1988, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of March, 1988, at the hour of 5:00 o'clock P.M., E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 2759

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., Jan 22 1986

RECEIVED FROM Constitution Hill Inc. \$ 50.00

THE SUM OF Fifty and no/one hundred 100 DOLLARS

ON ACCOUNT OF Regrain & Dev. Plan for
1910 City Rd.

W. O. J.

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We CONSTITUTION HILL CORP., an Indiana corporation
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an RL District to a/an P.O.D.
District the property described as follows: (Planned Office Development)

Lots Numbered Seven (7) and Eight (8) in Covington Acres Addition,
according to the plat thereof recorded in Plat Record 18, pages 97-98
in the Office of the Recorder of Allen County, Indiana

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1910 Getz Road, Fort Wayne, Indiana.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

Constitution Hill Corp. 6135 Illinois Road
Fort Wayne, Indiana 46804 Roy L. McNett (Pres.)

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Gary M. Cappelli, Attorney P.O. Box 11079 (219) 427-2600
(Name) Fort Wayne, IN 46855 (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-02-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 22, 1988.

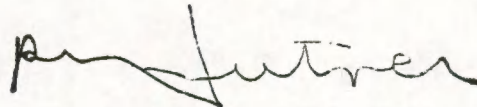
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 29, 1988.

Certified and signed this
4th day of March 1988.



Robert Hutner
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1910 Getz Road

2-88-02-20

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.
Property will become - POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET.

Z-88-02-20

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment
From R-1 to POD

DETAILS**Specific Location and/or Address**

1910 Getz Road

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)22 February 1988 - Public Hearing

See Attached Minutes of Meeting

29 February 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

NOTE: Any conditions placed on a POD development are placed on the development plan and not the rezoning. No building permits will be issued until those conditions are met.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Constitution Hill Corp
City Department

Other

Opponents**Groups or Individuals**

Mrs. Eloise Cook

Basis of Opposition

-concern this would add
traffic congestion - felt
there were ample offices in
area

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 22 January 1988

Projected Completion or Occupancy

Date 8 March 1988

Fact Sheet Prepared by

Date 8 March 1988

Patricia Biancaniello

Reviewed by

Date

2/1/88

Reference or Case Number

- c. Change of Zone #325
From R-1 to POD
1910 Getz Road

- d. Primary Development Plan for Constitution Hill

Gary Cappelli, attorney for the petitioner Constitution Hill Corporation, appeared before the Commission. Mr. Cappelli stated that this property consists of approximately 3.8 acres of land located on the Southwest corner of Constitution Drive and Getz Road. He stated that the property is currently occupied by a single family dwelling. He stated that Constitution Hill Corporation also owns 17 acres, more or less, of property zoned B-1-B that is currently the construction site for approximately 52 office condo units. He stated that the property is located to the west of this site, it runs along Constitution Drive Extended. He stated the site in question has about 223 foot frontage along Getz Road and extends west along Constitution Drive approximately 740 feet. He stated that Constitution Drive is not a dedicated street. He stated that this if this rezoning is approved it would be the recommendation of Constitution Hill Corporation and the Downing Corporation that Constitution Drive be dedicated from along the portion that extends from Getz Road to Magnavox Way. He stated that they have a more recent document that agrees to dedicate all the way back to the new Constitution Hill Section I,

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consisting of the 17 acres. Constitution Hill Corporation is the legal entity that would cause the dedication of this easement for public purposes, in fact Downing Corporation upon the request of Constitution Hill Corporation has a legal obligation to join in that dedication. He stated as a practical matter this portion of Constitution Drive (from Getz Road to intersection with Magnavox Way) has been for years maintained by the City of Fort Wayne as part of the maintenance of Magnavox Way. He stated whether Constitution Drive is dedicated or not Constitution Corporation has legal rights of ingress and egress to Constitution Drive. He stated that the Comprehensive Plan for this area indicates that this particular property, including property that surrounds Magnavox Way and all of Getz Road from Constitution Drive North to Illinois Road is suitable for commercial development. He stated however it has been the Commission's attitude in the past as it relates to prior commercial rezoning requests for this area, have seen fit to not follow the Master Plan and have denied several commercial rezoning requests. He stated that they propose not a commercial development, but a professional office district development. He stated that they felt it would blend well with the existing development of offices along Magnavox Way as well as would serve as a buffer to the surrounding residential. He stated that the POD zoning has a very restricted use allowance, in so far as dealing primarily with professional offices and not just general commercial offices. He stated that one exception might be a bank or some type of financial institution.

He stated for purposes of explanation of the development plan that they envision four separate offices totalling approximately 27,000 sq ft, the largest of which would not exceed 8200 sq ft the smallest would not be less than 5200 sq ft. He stated that they have proposed two access points along Constitution Drive. He stated that they need to satisfy the Commission that the two access points are realistic in light of the entire development. He stated that the Plan Commission's staff recommendation is against two access points. He stated that since the issuance of the recommendation they have gotten back with staff and they believe that they have now satisfied staff's concerns about those two access points. He stated that they have done some things to accommodate staff's concerns. He stated they have extended the green area, the landscaping area away from the entry point so as to allow stacking of cars within the development itself as opposed to having an access point not allowing stacking. He stated that they have also changed their entries and the circulation throughout the parking lot to provide a main entry and then extending the green area and the landscaping deep into

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the parking lot, to again avoid and eliminate the concerns of staff to the prospect of non-stacking ability within the development. He stated that they believe the circulation patterns are such that they would correspond to staff's current feelings. He stated they hoped that between the public hearing and the business session they could work out the details with staff so that they would alter their recommendation in regard to the number of access points. He stated that there are also practical problems that have caused them to seek the two access points. For instance staff's recommendation is that the initial access point be set back 300 feet from Getz Road. He stated that as shown on the development plan it would be a setback of 280 feet from Getz Road. He stated that there is a GTE switching box in the area and makes it almost impossible to set back the entry 300 feet. He stated if they went back further than 300 feet it would eliminate the usefulness of the sight as a banking facility or a credit union facility. It would eliminate the ability to use it as a drive up facility. He stated that having one entry to cover a whole 740 some feet would not be practical. He stated that staff has also recommended that not only the buildings set back more than 60 feet, which it does, it sets back more than 100 feet, the proposed building, but staff it also proposes that the parking lot indeed setback 60 feet. He stated that the purpose as he understood it, was to provide as much setback to maintain the integrity of the residential area to the south and to the north. He stated as an alternative proposal, because the setback of the parking really materially effects their ability to use the site as proposed, it would eliminate necessary parking, they have suggested to staff that they take the front area and recess it. He stated they would recess it approximately 2 1/2 feet below the existing grade and in addition to that elevate the area in front of the parking an additional 2 1/2 feet and landscape it. He stated that this effect would render invisible automobiles parked in the area from traffic along Getz Road and from the residences on the east side of Getz Road.

Mel Smith questioned the compatibility of the 4 structures with the surrounding area.

Mr. Cappelli stated that Architectural Concepts are doing the design on the buildings and they will be built with materials that will be more of an intervening use with the residential area.

Janet Bradbury questioned if there was city water and sewer.

Mr. Cappelli stated that there is city water and sewer. He

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stated that Flaugh Ditch is to the west about 200 feet. He stated that it is a major arterial drain, it is a legal drain, and they have a utility and drainage easement extending 10 feet in width, extending all the way back to the Flaugh Ditch and therefore in terms of drainage they have adequate easement and rights of way to extend any type of receptacle that may be necessary to get the drainage back to Flaugh Ditch.

Janet Bradbury questioned if they did intend to dedicate Constitution Drive and if so did this easement have curbs and sidewalks.

Mr. Cappelli stated that it has curbs but it does not have sidewalks.

Mark Gensic asked Mr. Cappelli to explain the drainage scheme.

Mr. Cappelli stated that as he understood it everything falls to Flaugh Ditch along this area. He stated that they do not believe anything other than just surface drainage would be necessary to accommodate the freefall of storm drainage to this area. He stated that the area is rather low and beyond a certain point is not suitable for any type of development. He stated that the whole area along Constitution Drive on both sides of it has been recontoured. He stated part of the area along both sides of the road has been built up in order to landscape.

Mr. Gensic questioned who owned the land directly to the west of this development.

Mr. Cappelli stated it was owned by Downing of Fort Wayne Inc. He stated that they have a surface and storm drainage easement from the owners over their property. Mr. Cappelli stated there is a 10 foot utility easement and then another 10 foot utility and drainage easement. He stated they have contractually obligated Downing of Fort Wayne Inc to join in the dedication of the additional 10 feet.

Mark Gensic asked if the engineers for the project were currently preparing plans for the drainage.

Mr. Cappelli stated he did not think that had been done. He stated that the reason is that it is so obvious that there are no drainage problems, having spent all of the money that they have on reconstructing the Flaugh Ditch in that area. He stated they felt a free fall drain would be adequate in the area. He stated that they will put some plans together and submit them to staff

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before the business session.

Roy McNett, President of Architectural Concepts appeared before the Commission. Mr. McNett stated that along Magnavox Way there are some beautiful buildings. He stated that the purpose of doing the buildings in this number is to keep a low profile, to keep them homogeneous from residential to commercial aspect. He stated he felt they could accomplish that effect.

John Shoaff stated that there was a letter in opposition to the requested rezoning and primary development plan from a Mrs. Eloise Cook. He stated that Mrs. Cook stated that she was concerned about traffic congestion, and felt there was already adequate office space in this area.

There was no one else present who wished to in favor of or in opposition to the proposed rezoning and the primary development plan.

ADJOURNMENT:

BILL NO. Z-88-02-20

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ ^{XXXXXXXXXX} amending the City of
Fort Wayne Zoning Map No. D-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
Mark E. GiaQuinta CHAIRPERSON
Charles B. Redd MARK E. GIAQUINTA
VICE CHAIRMAN
DAVID C. LONG
PAUL M. BURNS

CONCURRED IN 3-22-88

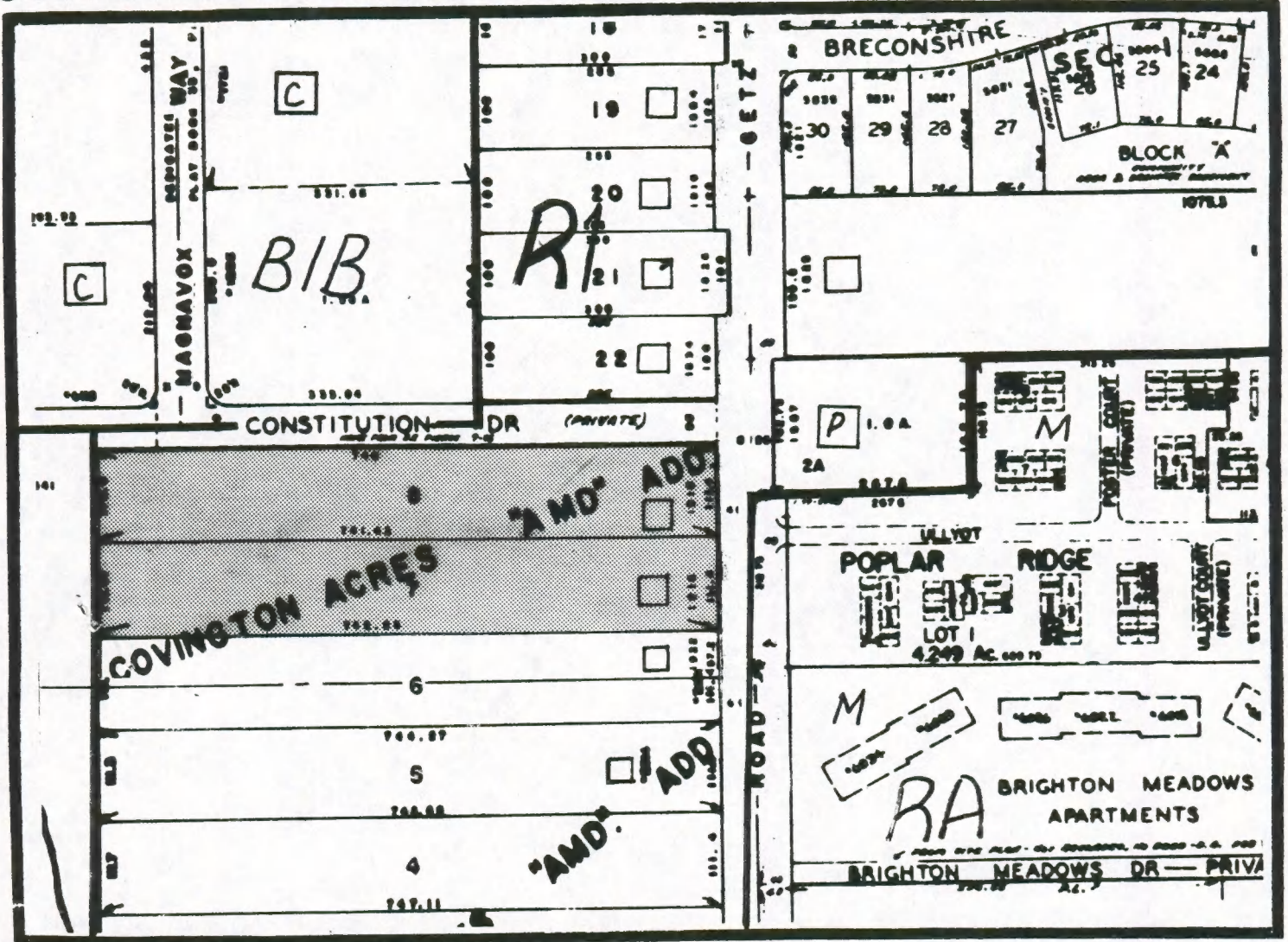
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION #325

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RI DISTRICT TO A P.O.D. DISTRICT.

MAP NO. D-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RI RESIDENTIAL DISTRICT
RA RESIDENCE 'A'
BIB LIMITED BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY
- ☒ COMMERCIAL
- ☒ PUBLIC CHURCH

SCALE: 1" = 200'

DATE: 2-3-88

